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| 09/771,491      | 01/27/2001  | Raymond Anthony Joao | RJ180               | 7937             |

7590 05/06/2004  
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EXAMINER

WASYLCHAK, STEVEN R

|          |              |
|----------|--------------|
| ART UNIT | PAPER NUMBER |
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3624

DATE MAILED: 05/06/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/771,491

Applicant(s)

JOAO, RAYMOND ANTHONY

Examiner

Steven R. Wasylchak

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— The MAILING DATE of this communication appears on the cover sheet with the correspondence address —  
Period for Reply

**A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.**

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 27 January 2001.  
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-20 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
6) ☒ Claim(s) 1-20 is/are rejected.  
7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.  
10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)  
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 2.  
4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.  
5) ☐ Notice of Informal Patent Application (PTO-152)  
6) ☐ Other: \_\_\_\_\_.

**DETAILED ACTION**

***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over  
Ross, Jr. et al.  
(US 6,629,135).

**CLAIMS:**

1. An apparatus for effectuating an affiliated marketing relationship, comprising:  
a receiver for allowing a user to access said apparatus via a content provider  
computer;/abstract; fig 1(all)  
a processor for processing a transaction entered into by the user and a merchant  
associated with said apparatus, wherein said processor identifies the content provider  
referring the user to said apparatus, and further wherein said processor calculates at  
least one of a commission and a referral fee due to the content provider, and further  
wherein said processor generates a transaction notification report containing  
information  
regarding the occurrence of the transaction and said at least one of a commission

and a referral fee; and/col 2, L 19-44; col 6, L 13-29; col 8, L 25-60; col 11, L 59 to col 12, L 28

Ross discloses transmitting said transaction notification report to a communication device associated with the content provider./ fig 1(all). Ross does not disclose a transmitter.

Official notice is taken that this feature is old and well known in the electronics art. It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to implement this feature for the advantage of efficient, low cost and reliable communication.

2. The apparatus of claim 1, wherein said transaction notification report further contains at least one of a payment identifier, a credit card number, a charge card number, a debit card number, financial account identification information, and wire transfer information, for effecting payment of said at least one of a commission and a referral fee to the content provider./col 8, L42-61

3. The apparatus of claim 1, wherein said apparatus administers a financial account for at least one of the merchant and the content provider./col 8, L6-42

4. The apparatus of claim 1, wherein said processor at least one of processes information to establish an affiliated marketing relationship between a merchant and a content provider and at least one of stores and processes information regarding an affiliated marketing relationship existing between the content provider and the merchant./abstract; col 6, L12-50

5. The apparatus of 1, wherein said processor at least one of processes a financial

transaction for at least one of the merchant and the content provider, effectuates a payment by at least one of the merchant and the content provider, and effectuates a receipt of a payment for at least one of the merchant and the content provider./ abstract; col 6, L 12-50; col 8, L7-41

6. The apparatus of claim 1, further comprising:

a memory device for storing at least one of information regarding an affiliated marketing relationship existing between the content provider and the merchant, information regarding advertisement space, and information regarding an advertisement./col 1, L 47 to col 2, L 18

7. The apparatus of claim 1, wherein said processor generates a financial transaction notification

signal in response to a financial transaction which occurs on at least one of a content provider

financial account and a merchant financial account./ col 6, L12-28; col 8, L 27-42; col 19,L 42-65

8. The apparatus of claim 7, wherein said transmitter transmits said financial transaction notification signal to a communication device associated with the at least one of the merchant and the

content provider./ col 6, L 12-28; col 8, L 27-42; col 19,L 42-65

9. The apparatus of claim 1, wherein said receiver

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receives at least one of a restriction and a limitation on a usage of at least one of a content provider financial account and a merchant financial account./ col 6, L 12-28; col 8, L 27-42; col 19,L 42-65

10. An apparatus for effectuating an affiliated marketing relationship, comprising:  
a processor for processing a user event and for providing a link to a merchant computer;

a transmitter for allowing a user to access the merchant computer; and/refer to claim 1  
a receiver for receiving a transaction notification report from the merchant computer, wherein said transaction notification report contains information regarding the occurrence of the transaction and at least one of a commission and a referral fee due to a content provider associated with said apparatus./refer to claim 1

11. The apparatus of claim 10, wherein said transaction notification report includes at least one of a payment identifier, a credit card number, a charge card number, a debit card number, financial account identification information, and wire transfer information, for effecting payment of said at least one of a commission and a referral fee to the content provider./refer to claim 2

12. The apparatus of claim 10, wherein said processor at least one of processes a financial transaction for at least one of the merchant and the content provider, effectuates a payment by at least one of the merchant and the content provider, and effectuates a receipt of a payment for at least one of the merchant and the content provider./ abstract; col 6, L 12-28; col 8, L 27-42; col 19,L 42-65

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13. The apparatus of claim 10, further comprising:

a memory device for storing at least one of information regarding an affiliated marketing relationship existing between the content provider and the merchant, information regarding advertisement space, and information regarding an advertisement./refer to claim 6

14. The apparatus of claim 10, wherein said processor generates a transaction notification signal in response to a transaction which occurs on a financial account associated with the at least one of the merchant and the content provider, and further wherein said transmitter transmits said

transaction notification signal to a communication device associated with the at least one of the merchant and the content provider./refer to claim 1

15. The apparatus of claim 10, wherein said receiver receives at least one of a restriction and a limitation on a usage of at least one of a content provider financial account and a merchant financial account./col 6, L 48-57

16. A method for effectuating an affiliated marketing relationship, comprising:

allowing a user to access a merchant computer via a content provider computer; refer to claim 1

processing a transaction entered into by the user and a merchant;/refer to claim 1

identifying the content provider referring the user to the merchant;/refer to claim 1

calculating at least one of a commission and a referral fee due to the content provider;/refer to claim 1

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generating a transaction notification report containing information regarding the occurrence

of the transaction and said at least one of a commission and a referral fee; and transmitting said transaction notification report to a communication device associated with the content provider./refer to claim 1

17. The method of claim 16, wherein said transaction notification report includes at least one of a payment identifier, a credit card number, a charge card number, a debit card number, financial account identification information, and wire transfer information, for effecting payment of said at least one of commission and referral fee to the content provider.

18. The method of claim 16, further comprising: processing information to establish an affiliated marketing relationship between a merchant and a content provider./refer to claim 2

19. The method of claim 16, further comprising: processing a user event at a content provider computer;/refer to claim 1

providing a link to a merchant computer; fig 1(all)

allowing a user to access the merchant computer; fig 1 (all)

and

receiving a transaction notification report from the merchant computer, wherein said transaction notification report contains information regarding the occurrence of the



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transaction and at least one of a commission and a referral fee due to a content provider./refer to fig 1

20. The method of claim 16, further comprising:

receiving at least one of a restriction and a limitation on a usage of at least one of a content provider financial account and a merchant financial account./refer to claim 15

This action is NON - FINAL. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steven Wasylchak whose telephone number is (703) 308-2848. The examiner can normally be reached on Monday-Thursday from 8:00 to 6:00 p.m. EST.

If attempts to reach examiner by telephone are unsuccessful, the examiner's supervisor, Vincent Millin, can be reached at (703) 308-1065. The fax number for Art Unit 3624 is (703) 872-9360.

Any inquiry of a general nature or relating to the status of this application or proceeding

should be directed to the receptionist whose telephone number is (703) 308-1113.

Steven Wasylchak

BS(EE), MBA, JD

4 / 30 /04



VINCENT MILLIN  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 3600